

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47378 of 2022

Arising Out of PS. Case No.-213 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

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RAGHU CHAUHAN Son of Late Ramji Singh @ Ramji Chauhan R/V-
Itarhi, PS- Itarhi, Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, App

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 16-02-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

In the light of the direction given on 01.02.2023, the Superintendent of Police, Buxar has filed his affidavit through learned APP for the State and the same is directed to be taken on record and it is mentioned in the said affidavit that he (Superintendent of Police concerned) issued show cause to all the three investigating officers concerned in Mufasil P.S. Case No.213/2020 vide letter No.735 dated 11.02.2023 and directed them to file show within a week for dereliction of duty and he



will scrutinize their show cause after the submission of the same and thereafter shall take appropriate action against the erring officials.

The above-mentioned affidavit shows that concerned Superintendent of Police has taken sufficient action from his part against the erring police officials and the same is sufficient.

Now the case is heard on merit.

Petitioner seeks regular bail in connection with Buxar (M) P.S. Case No. 213 of 2020 registered for the offence punishable under Section 395 of the Indian Penal Code.

As per the prosecution, the informant alleged that 7-8 unknown miscreants looted a sum of Rs.4,61,600/- by brandishing their gun.

The main submissions advanced by the learned counsel Mr. Sanjay Kumar for the petitioner are that the petitioner is not named in the FIR and his name surfaced in the statement of co-accused Sunil Rajbhar @ Dara Rajbhar who has been granted bail by this Court vide order passed in Cr. Misc. No.23014 of 2021 and after the petitioner's arrest, the police did not take any step for Test Identification Parade in respect of petitioner and he has been languishing in jail since 05.06.2022, though against the petitioner, there are criminal



antecedent of seven cases but he is on bail in all the said cases.

Learned APP Mr. Sanjay Kumar Tiwary appearing for the State has opposed the bail prayer and submitted that the petitioner has long criminal history, hence he does not deserve the privilege of bail but fairly accepted that except his criminal antecedent and confessional statement of co-accused, there is no any other material against the petitioner.

In view of the facts, as stated above, as well as the petitioner's custody period, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Buxar (M) P.S. Case No. 213 of 2020.

(Shailendra Singh, J)

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